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P. O. BOX 902

EL SEGUNDO, CA 90245

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OFFICE OF PETITIONS

In re Application of

O'Neill et al.

Application No. 10/615,133

Filed: July 8, 2003

Attorney Docket No. 02W234

ON PETITION

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed May 10, 2005, to revive the above-identified application.

The petition is **DISMISSED AS MOOT**.

An Office action under Ex parte Quayle, 1935 Dec. Comm'r Pat. 11 (1935) was mailed on April 5, 2005, which set a shortened statutory period for reply of two (2) months. Therefore, the period for reply will not end until midnight of June 5, 2005. Further, petitioner may submit up to a five-month extension of time prior to September 5, 2005, to lengthen the response period. Accordingly, a petition to revive the instant application would not be necessary until September 6, 2005 and after.

In view of the above, the \$1500.00 petition fee is unnecessary and will be credited to petitioner's deposit account as authorized.

This matter is being referred to Technology Center 3600 for further examination on the merits.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3282.

Liana Chase

Petitions Examiner

Office of Petitions

Office of the Deputy Commissioner
for Patent Examination Policy